

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SOE-02 AID-05 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 DOE-11 H-02 INR-07 INT-05
L-03 NSAE-00 NSC-05 OMB-01 PM-05 USIA-15 OES-07
SP-02 SS-15 STR-06 TRSE-00 ACDA-12 /125 W
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R 121455Z JAN 78
FM AMCONSUL STUTTGART
TO SECSTATE WASHDC 4078
INFO AMEMBASSY BONN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH
USMISSION USBERLIN

UNCLAS STUTTGART 062

E. O. 11652: N/A
TAGS: ENRG PGOV GW
SUBJ: FILBINGER CITES CONSTITUTIONAL GROUNDS TO KILL FEDERAL
ENERGY PROGRAM

1. SUMMARY: MINISTER PRESIDENT FILBINGER'S OBJECTION TO BONN'S
PLAN TO INVEST DM 4.35 BILLION IN ENERGY SAVING EQUIPMENT HAS
BROUGHT THIS PROGRAM TO A HALT ACCORDING TO ANNOUNCEMENTS IN
BONN AND STUTTGART JANUARY 11. ALTHOUGH THIS PLAN HAS BEEN
OPPOSED HERE ON ECONOMIC GROUNDS AND MANY SUSPECT FILBINGER
OF POLITICAL MOTIVATIONS, HIS OBJECTION ON CONSTITUTIONAL
GROUNDS -- OPPOSITION TO FEDERAL ENCROACHMENT ON STATES RIGHTS
-- ALSO FINDS A POSITIVE ECHO HERE. END SUMMARY.

2. THE BADEN-WURTTENBERG GOVERNMENT ON JANUARY 11 REITERATED
ITS OBJECTION TO BONN'S PROPOSAL TO INVEST DM 4.35 BILLION IN
ENERGY-SAVING HEATING EQUIPMENT IN OLD BUILDINGS, AND AN-
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NOUNCED THAT ITS OWN SIMILAR PROGRAM, BEGUN IN 1975, WOULD
BE INCREASED TO DM 50 MILLION, A PROGRAM DESIGNED TO ENCOUR-
AGE INVESTMENT OF SOME DM 200 MILLION DURING 1978. FILBINGER'S
REFUSAL TO GO ALONG LED TO ANNOUNCEMENT IN BONN THAT SAME DAY
THAT THE FEDERAL GOVERNMENT WOULD NO LONGER SEEK AGREEMENT
FROM THE STATES (BAVARIA AND LOWER SAXONY HAD ALSO OPPOSED
THE PROGRAM), AND TO THE CLEAR STATEMENT THAT FILBINGER WAS

RESPONSIBLE FOR THIS PROGRAM'S COLLAPSE.

3. IN A LETTER TO CHANCELLOR SCHMIDT, FILBINGER HAD EMPHASIZED HIS VIEW THAT SUCH FEDERAL-STATE PROGRAMS WERE AN INFRINGEMENT ON STATE RIGHTS GUARANTEED UNDER THE GERMAN CONSTITUTION. ONE-THIRD OF POSSIBLE INVESTMENT AREAS IN BADEN-WUERTTEMBERG, HE WROTE, ARE ALREADY PRE-EMPTED BY SUCH MIXED FEDERAL-STATE PROGRAMS INTRODUCED BY BONN, AND THEY REPRESENT AN INCREASING BURDEN AND ENCROACHMENT ON STATE BUDGETS. HE WOULD NOT SUPPORT THIS PROGRAM EVEN IF THE FEDERAL GOVERNMENT DECIDED NOT TO DOUBLE THE TAX ON HEATING OIL AS THE MEANS TO RAISE ITS FUNDS.

4. REACTION HERE TO BONN'S PROPOSED PROGRAM HAD BEEN NEGATIVE IN MANY QUARTERS. FILBINGER'S CONSTITUTIONAL OBJECTION DRAWS SUPPORT FROM BUSINESSMEN AND THE CHAMBERS OF COMMERCE WHO OBJECT TO THE ADVANCE OF SOCIALIST MEASURES EMANATING FROM THE SPD-FDP COALITION IN BONN. FEARS WERE ALSO EXPRESSED AMONG THESE SOURCES AND IN THE MINISTRY OF ECONOMICS THAT BADEN-WUERTTEMBERG'S HEAVY DEPENDENCE ON IMPORTED FUELS INCLUDING HEATING OIL, AS WELL AS THE DRAIN OF FUNDS CONTEMPLATED (DM 400 MILLION TO BE REMOVED VIA THE TAX, ONLY DM 300 MILLION TO BE RETURNED ULTIMATELY) WOULD INCREASE COSTS OF PRODUCTION AND DEPRESS THE ECONOMY OF THIS STATE.

5. OPPOSITION LEADERS HERE ASSERT THAT FILBINGER'S REAL MOTIVATION IS TO EMBARRASS THE COALITION GOVERNMENT, AND WELCOME THE ANNOUNCEMENT IN BONN THAT THE FEDERAL GOVERNMENT WILL CONSIDER ADOPTING THE PRINCIPAL MEASURES OF THIS PROGRAM IN A LAW GOVERNING MODERNIZATION OF HOUSING. AND ONE OBSERVER COMMENTS WRYLY THAT CITIZENS MAY BENEFIT FROM THIS STATE-FEDERAL RUMPUS, FOR THEY SOON MAY HAVE BOTH FEDERAL AND STATE PROGRAMS TO SUPPORT THEIR INVESTMENT PLANS.

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VATION IS TO EMBARRASS THE COALITION GOVERNMENT, AND WELCOME THE ANNOUNCEMENT IN BONN THAT THE FEDERAL GOVERNMENT WILL CONSIDER ADOPTING THE PRINCIPAL MEASURES OF THIS PROGRAM IN A LAW GOVERNING MODERNIZATION OF HOUSING. AND ONE OBSERVER COMMENTS WRYLY THAT CITIZENS MAY BENEFIT FROM THIS STATE-FEDERAL RUMPUS, FOR THEY SOON MAY HAVE BOTH FEDERAL AND STATE PROGRAMS TO SUPPORT THEIR INVESTMENT PLANS.

6. COMMENT: THIS LAST CONSIDERATION SHOULD TEND TO REDUCE THE EFFECTIVENESS OF SPD CRITICISM THAT FILBINGER'S ACTION COULD DENY ACCESS TO A SUBSTANTIAL FEDERAL INVESTMENT PROGRAM OF ATTRACTIVE INCENTIVES. ALTHOUGH MANY WILL INDEED SUSPECT THAT HIS OPPOSITION WAS MOTIVATED FOR POLITICAL REASONS, HIS ECONOMIC AND CONSTITUTIONAL ARGUMENTS FIND STRONG SUPPORT HERE. THE ARGUMENT AGAINST FEDERAL ENCROACHMENT ON STATE'S RIGHTS HAS BEEN ADVANCED BEFORE, E.G., WITH RESPECT TO EDUCATION AND THE POLICE, AND IS SEEN AS A REAL CONCERN BY MANY CITIZENS IN THIS STATE. FILBINGER'S ACTION SERVES TO HIGHLIGHT HIM AS A DECISIVE LEADER WHO DEFENDS HIS OWN INTERESTS AND IS NOT LOATHE TO HELP SHAPE DEVELOPMENT OF STATE-FEDERAL RELATIONS WITHIN THE FEDERAL REPUBLIC. TO ASSURE THAT HIS ACTION IS PRESENTED LOCALLY IN A FAVORABLY LIGHT, AND THAT HIS REA-

SONS FOR REJECTING THE FEDERAL PROGRAM ARE WELL UNDERSTOOD
BY THE PUBLIC, HE HAS ASKED THE CDU LANDTAG LEADER LOTHAR
SPAETH TO ARRANGE THAT FILBINGER ANSWER QUESTIONS ON THIS
SUBJECT IN THE LANDTAG IN A MANNER CREATING WIDE PUBLICITY.
JENKINS

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